

ESTTA Tracking number: **ESTTA390153**

Filing date: **01/26/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195184
Party	Defendant TEX-RAY INDUSTRIAL CO., LTD.
Correspondence Address	JOE M. MUNCY MUNCY, GEISSLER, OLDS & LOWE, PLLC PO BOX 1364 FAIRFAX, VA 22038-1364 mailroom@mg-ip.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Joe McKinney Muncy
Filer's e-mail	mailroom@mg-ip.com
Signature	/Joe McKinney Muncy/
Date	01/26/2011
Attachments	2011-01-26 Consent Motion to Amend Application.pdf (3 pages)(68935 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Trademark Trial and Appeal Board

Family Time Sporting Apparel, LLC)	Opposition No. 91195184
Opposer,)	Application Serial No. 77/744,327
v.)	Filed: May 26, 2009
Applicant: Tex-Ray Industrial Co., Ltd.)	Mark: SMART INSIDE OUT
Applicant.)	

CONSENT MOTION TO AMEND APPLICATION

Applicant respectfully requests that the above application No. 77/744,327, filed May 26, 2009, for the mark SMART INSIDE OUT, be amended as follows:

Amend the description of goods from:

“Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens” (Intl. Class 025)

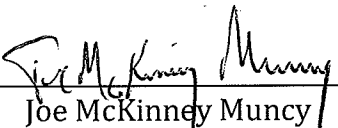
To the following:

“Brassieres; vests; overcoats; ready-made clothing, namely, knit tops and bottoms, woven shirts and bottoms, coats, jackets, gloves, underwear and socks; shoes; scarves; turbans; hats; footwear; mittens; all of the foregoing excluding children’s athletic wear, and limited to clothing that incorporates “smart” technological material, components or systems for recharging electrical devices, providing light displays, playing digital music, providing impact resistant body protection, taking digital photographs, monitoring personal health statistics, or other smart functions” (Intl. Class 025)

The proposed amendment is intended to clarify and limit the application, and not to broaden same. The proposed amendment does not alter the mark.

This motion has been consented to by attorney for the Opposer Mr. Dwayne
K. Goetzel.

Respectfully submitted,

By: 
Joe McKinney Muncy
Muncy, Geissler, Olds & Lowe
P.O. Box 1364
Fairfax, Virginia 22038
703-621-7140 (tel)
703-621-7155 (fax)
mailroom@mg-ip.com

Dated: January 26, 2011

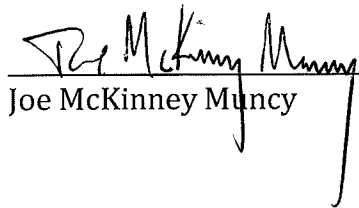
CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of January, 2011 a copy of the foregoing
CONSENT MOTION TO AMEND APPLICATION was served by First Class Mail,
postage prepaid, upon attorney for opposer:

Dwayne K. Goetzel
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing CONSENT MOTION TO AMEND
APPLICATION has been filed electronically with the Trademark Trial and Appeal
Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on
January 26, 2011.



Joe McKinney Muncy